

B9A (Official Form 9A) (Chapter 7 Individual or Joint Debtor No Asset Case) (12/07)

Case Number 10-05074-8-JRL

## UNITED STATES BANKRUPTCY COURT Eastern District of North Carolina

**Notice of  
Chapter 7 Bankruptcy Case, Meeting of Creditors, & Deadlines**

A chapter 7 bankruptcy case concerning the debtor(s) listed below was filed on 6/24/10.

You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your Rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below. NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

**See Reverse Side For Important Explanations**

Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

Daphne Avery  
904 White Meadows Drive  
Fuquay Varina, NC 27526

Case Number:  
10-05074-8-JRL

Social Security/Taxpayer ID/Employer ID/Other Nos.:  
xxx-xx-6036

Attorney for Debtor(s) (name and address):  
John T. Orcutt  
Offices of John T. Orcutt, P.C.  
6616-203 Six Forks Rd.  
Raleigh, NC 27615  
Telephone number: 919 847-9750

Bankruptcy Trustee (name and address):  
David M Warren  
Poyner Spruill LLP  
PO Box 1801  
Raleigh, NC 27602-1801  
Telephone number: 919 783-6400

**Meeting of Creditors**

Date: **August 3, 2010**

Time: **09:30 AM**

Location: **USBA Creditors Meeting Room, Two Hannover Square, Room 610, 434 Fayetteville Street Mall, Raleigh, NC 27601**

**Presumption of Abuse under 11 U.S.C. § 707(b)**

*See "Presumption of Abuse" on reverse side.*

The presumption of abuse does not arise.

**Deadlines:**

Papers must be *received* by the bankruptcy clerk's office by the following deadlines:

**Deadline to File a Complaint Objecting to Discharge of the Debtor or to Determine Dischargeability of Certain Debts: 10/4/10**

**Deadline to Object to Exemptions:**

Thirty (30) days after the *conclusion* of the meeting of creditors.

**Creditors May Not Take Certain Actions:**

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

**Please Do Not File a Proof of Claim Unless You Receive a Notice To Do So.**

**Creditor with a Foreign Address:**

A creditor to whom this notice is sent at a foreign address should read the information under "Do Not File a Proof of Claim at This Time" on the reverse side.

**Address of the Bankruptcy Clerk's Office:**

Room 209, 300 Fayetteville Street  
P.O. Drawer 1441  
Raleigh, NC 27602-1441 Telephone number: 919-856-4752

Hours Open: Monday – Friday 8:30 AM – 4:30 PM

**For the Court:**

Clerk of the Bankruptcy Court:  
Stephanie J. Edmondson

Date: 6/25/10

**EXPLANATIONS****B9A (Official Form 9A) (12/07)**

Filing of Chapter 7 Bankruptcy Case	A bankruptcy case under Chapter 7 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered.
<b>Legal Advice</b>	The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.
Creditors Generally May Not Take Certain Actions	Prohibited collection actions are listed in Bankruptcy Code §362. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.
Presumption of Abuse	If the presumption of abuse arises, creditors may have the right to file a motion to dismiss the case under § 707(b) of the Bankruptcy Code. The debtor may rebut the presumption by showing special circumstances.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time and location listed on the front side. <i>The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice. Courtroom decorum: The dignity of the court is to be respected and maintained at all times. Attire for counsel, parties, and spectators should be restrained and appropriate to the dignity of a federal court of the United States. <b>SHORTS ARE NOT CONSIDERED APPROPRIATE ATTIRE.</b>
Do Not File a Proof of Claim at This Time	There does not appear to be any property available to the trustee to pay creditors. <i>You therefore should not file a proof of claim at this time.</i> If it later appears that assets are available to pay creditors, you will be sent another notice telling you that you may file a proof of claim, and telling you the deadline for filing your proof of claim. If this notice is mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.
Discharge of Debts	The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that the debtor is not entitled to receive a discharge under Bankruptcy Code §727(a) <i>or</i> that a debt owed to you is not dischargeable under Bankruptcy Code §523(a)(2), (4), or (6), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint Objecting to Discharge of the Debtor or to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and any required filing fee by that Deadline.
Exempt Property	The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objections by the "Deadline to Object to Exemptions" listed on the front side.
Bankruptcy Clerk's Office	Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.
Creditor with a Foreign Address	Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.
<b>Refer to Other Side for Important Deadlines and Notices</b>	
<p>RECORD SEARCH FEE – \$26.00/NAME OR ITEM. COPY FEE = \$.50 + SEARCH FEE.  Requests must be made in writing to the address listed on the front side, accompanied by a self-addressed, stamped envelope &amp; cashier's check/money order for the correct amount payable to CLERK, U.S. BANKRUPTCY COURT. No telephone inquiries.  **VCIS Toll free—24 hour case information 1-866-222-8029  **Pacer Internet Address: <a href="http://pacer.nceb.uscourts.gov">http://pacer.nceb.uscourts.gov</a> **Internet Web Page: <a href="http://www.nceb.uscourts.gov">http://www.nceb.uscourts.gov</a>  All parties are expected to dress appropriately for all court appearances. <b>SHORTS ARE NOT CONSIDERED APPROPRIATE COURT ATTIRE.</b>  <b>YOU COULD HAVE RECEIVED THIS NOTICE AS AN INTERNET E-MAIL OR FAX. Visit <a href="http://www.EBNuscourts.com">www.EBNuscourts.com</a> or call toll-free 1-877-837-3424.</b></p>	

# CERTIFICATE OF NOTICE

District/off: 0417-8  
Case: 10-05074User: gibson\_ai  
Form ID: b9aPage 1 of 2  
Total Noticed: 44

Date Rcvd: Jun 25, 2010

The following entities were noticed by first class mail on Jun 27, 2010.

db +Daphine Avery, 904 White Meadows Drive, Fuquay Varina, NC 27526-6657  
 aty +John T. Orcutt, Offices of John T. Orcutt, P.C., 6616-203 Six Forks Rd.,  
 Raleigh, NC 27615-6524  
 3626816 +Bank of America Home Loans, Post office Box 660694, Dallas, TX 75266-0694  
 3626815 Bank of America Home Loans, Post office Box 5170, Simi Valley, CA 93062-5170  
 3626817 +Beneficial, Post Office Box 3425, Buffalo, NY 14240-3425  
 3626824 +CAS, Inc., 207 West Millbrook Road, Raleigh, NC 27609-4393  
 3626812 +ChexSystems, Attn: Consumer Relations, 7805 Hudson Road, Ste. 100, Woodbury, MN 55125-1703  
 3626826 Citifinancial Bankruptcy Department, Post Office Box 140489, Irving, TX 75014-0489  
 3626806 +Credit Bureau, Post Office Box 26140, Greensboro, NC 27402-6140  
 3626828 Drive Card, Post Office Box 653054, Dallas, TX 75265-3054  
 3626805 Employment Security Commission, Attn: Benefit Payment Control, Post Office Box 26504,  
 Raleigh, NC 27611-6504  
 3626808 Equifax Information Systems LLC, P.O. Box 740241, Atlanta, GA 30374-0241  
 3626809 Experian, P.O. Box 2002, Allen, TX 75013-2002  
 3626829 Home Depot Credit Services, Post Office Box 653000, Dallas, TX 75265-3000  
 3626810 Innovis Data Solutions, Attn: Consumer Assistance, P.O. Box 1534, Columbus, OH 43216-1534  
 3626830 +Jessie McKnight, 904 White Meadows Drive, Fuquay Varina, NC 27526-6657  
 3626807 NC Child Support, Centralized Collections, Post Office Box 900006, Raleigh, NC 27675-9006  
 3626838 Shell Card Center, P.O. Box 689151, Des Moines, IA 50368-9151  
 3626840 Tractor Supply Company, PO Box 653054, Dallas, TX 75265-3054  
 3626811 Trans Union Corporation, P.O. Box 2000, Crum Lynne, PA 19022-2000  
 3626814 US Attorney's Office (ED), 310 New Bern Avenue, Suite 800, Federal Building,  
 Raleigh, NC 27601-1461  
 3626841 Wake County Tax Collector, Post Office Box 550, Raleigh, NC 27602-0550  
 3626842 Wake County Tax Collector, Post Office Box 2331, Raleigh, NC 27602-2331  
 3626844 Yard Card, Post Office Box 609, Memphis, TN 38101-0609  
 3626843 +Yard Card, Department of Accounts, Post Office Box 731, Mahwah, NJ 07430-0731

The following entities were noticed by electronic transmission on Jun 25, 2010.

tr EDI: QDMWARREN.COM Jun 25 2010 21:03:00 David M Warren, Poyner Spruill LLP, PO Box 1801,  
 Raleigh, NC 27602-1801  
 3626822 EDI: CHASE.COM Jun 25 2010 20:58:00 BP, c/o Chase, Post Office Box 15298,  
 Wilmington, DE 19850-5298  
 3626823 EDI: CHASE.COM Jun 25 2010 20:58:00 BP, c/o Chase, Post Office Box 15325,  
 Wilmington, DE 19850-5325  
 3626818 +EDI: HFC.COM Jun 25 2010 21:03:00 Beneficial, Post Office Box 17574,  
 Baltimore, MD 21297-1574  
 3626819 +EDI: HFC.COM Jun 25 2010 21:03:00 Beneficial, Post Office Box 4153,  
 Carol Stream, IL 60197-4153  
 3626820 EDI: CHASE.COM Jun 25 2010 20:58:00 Best Buy, c/o Chase, Post Office Box 15298,  
 Wilmington, DE 19850-5298  
 3626821 EDI: CHASE.COM Jun 25 2010 20:58:00 Best Buy, c/o Chase, Post Office Box 15325,  
 Wilmington, DE 19886-5325  
 3626825 EDI: CITICORP.COM Jun 25 2010 20:58:00 Citi Cards, Post Office Box 6500,  
 Sioux Falls, SD 57117-6500  
 3626827 EDI: CIAC.COM Jun 25 2010 21:03:00 Citifinancial Bankruptcy Dept, Post Office Box 140069,  
 Irving, TX 75014-0069  
 3626813 EDI: IRS.COM Jun 25 2010 21:03:00 Internal Revenue Service (ED)\*\*, Post Office Box 21126,  
 Philadelphia, PA 19114-0326  
 3626831 EDI: TSYS2.COM Jun 25 2010 20:58:00 Macy's, Post Office Box 8066, Mason, OH 45040-8066  
 3626832 +EDI: TSYS2.COM Jun 25 2010 20:58:00 Macy's \*\*, Bankruptcy Processing, P.O. Box 8053,  
 Mason, OH 45040-8053  
 3626833 EDI: HFC.COM Jun 25 2010 21:03:00 Nautilus, c/o Retail Services, Post Office Box 15521,  
 Wilmington, DE 19850-5521  
 3626834 EDI: HFC.COM Jun 25 2010 21:03:00 Nautilus, c/o Retail Services, Dept 7680,  
 Carol Stream, IL 60116-7680  
 3626804 EDI: NCDEPREV.COM Jun 25 2010 21:03:00 North Carolina Department of Revenue,  
 c/o NC Department of Justice, Post Office Box 629, Raleigh, NC 27602-0629  
 3626837 EDI: SEARS.COM Jun 25 2010 20:58:00 Sears, Post Office Box 183081,  
 Columbus, OH 43218-3081  
 3626836 EDI: SEARS.COM Jun 25 2010 20:58:00 Sears, Post Office Box 183082,  
 Columbus, OH 43218-3082  
 3626835 EDI: SEARS.COM Jun 25 2010 20:58:00 Sears, Post Office Box 6283,  
 Sioux Falls, SD 57117-6283  
 3626839 EDI: AISTMBL.COM Jun 25 2010 20:58:00 T-Mobile\*\*, Bankruptcy Department,  
 Post Office Box 37380, Albuquerque, NM 87176-7380

TOTAL: 19

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

District/off: 0417-8  
Case: 10-05074

User: gibson\_ai  
Form ID: b9a

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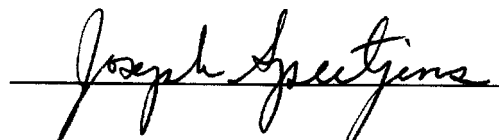
\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jun 27, 2010

Signature:

A handwritten signature in black ink, reading "Joseph Speetjens", written over a horizontal line.